

Index File

Application No. UP-700-06

Premier Properties USA, Inc.

Application No. UP-700-06 is a request for a Special Use Permit to authorize increases in sign area and height for a previously approved retail center to be located on property at 165 and 175 Water Country Parkway at the southeast quadrant of the southern Humelsine Parkway (Route 199)/Interstate 64 interchange and south of Water Country Parkway (Route 640).

The staff is recommending denial.

Attachments:

1. Staff report
2. Vicinity map
3. Applicant's narrative
4. Applicant's sign plan (6 pages)
5. Previously approved Resolution No. R05-201(R)
6. Sketch plan for previously approved Application No. UP-686-05
7. Proposed Resolution No. PC06-10

COUNTY OF YORK

MEMORANDUM

DATE: April 3, 2006 (PC Mtg. 4/12/06)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-700-06, Premier Properties USA, Inc.

ISSUE

This application requests a Special Use Permit, pursuant to Sections 24.1-712 of the York County Zoning Ordinance, to authorize increases in sign area and height for a previously approved retail center to be located on property at 165 and 175 Water Country Parkway and further identified as Assessor's Parcel Nos. 11-4-3 and 11-91. The properties are located at the southeast quadrant of the southern Humelsine Parkway (Route 199)/Interstate 64 interchange and south of Water Country Parkway (Route 640). The property is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the *Comprehensive Plan*

In accordance with Zoning Ordinance Section 24.1-712, requests for increases in sign area and/or height may be granted by the Board of Supervisors "*When unusual topography, vegetation, parcel shape, or the distance from the road right-of-way would impose substantial hardship by making a sign, otherwise permitted by the terms of this chapter, ineffective and unreadable from vehicles on adjoining (i.e., abutting) roadways.*"

DESCRIPTION

- Property Owners: Busch Properties, Inc. (Parcel No. 11-4-3) and AJ Tanner, Trustee for Martin Land Trust (Parcel No. 11-91). Applicant is contract purchaser.
- Location: 175 & 165 (portion) Water Country Parkway (Route 640)
- Area: Approximately 178 acres
- Frontage: Approximately 430 feet on Water Country Parkway, 3,400 feet on I-64, 1,900 feet on Route 199
- Utilities: The property can be served by public water and sewer
- Topography: Varied
- 2025 Land Use Map Designation: Economic Opportunity

- Zoning Classification: EO – Economic Opportunity
HRM – Historic Resources Management overlay
- Existing Development: None
- Surrounding Development:
 - North: Water Country USA water park; Days Inn and President's Park (across Route 199)
 - East: U.S. Naval Weapons Station-Yorktown
 - South: Williamsburg Country Club (across I-64)
 - West: Penniman East and Country Club Acres residential subdivisions (across I-64)
- Proposed Development: Approximately 800,000-square foot retail center

CONSIDERATIONS/CONCLUSIONS

1. On December 20, 2005, the applicant was granted approval for Special Use Permit UP-686-05, which authorized an 800,000-square foot retail center on the subject property. Copies of the approving resolution (R05-201(R)) and sketch plan are attached. The applicant is requesting increases in sign area and height for a proposed freestanding monument sign to be located at the Route 199 entrance to the proposed retail center (at the existing Water Country entrance) and increases in building sign area for two retail buildings within the development. The existing freestanding Water Country sign would be relocated to a new entrance to the water park proposed to be constructed further east on Route 199. According to the SUP approval for the retail center, the entrance from Route 199 may be constructed as a private commercial drive or as a road to be publicly dedicated. For the purposes of this application, the applicant has indicated an intention for the access to be a private commercial entrance.
2. In accordance with Section 24.1-703 of the Zoning Ordinance, the maximum permitted sign area for a freestanding commercial identification sign is 64 square feet and the maximum permitted height is 10 feet. All freestanding identification signs in the EO District are required to be monument-style. The applicant proposes a freestanding sign that is approximately 666 square feet in area and 40 feet in height.

Zoning Ordinance Section 24.1-712 provides for increases in sign height and/or area only when hardship can be demonstrated relative to topography, vegetation, parcel shape, or distance from road right-of-way. If the proposed entrance road were to be a private right-of-way, the proposed freestanding sign could be located on the applicant's property within the existing raised landscape island. With the sign set back the required ten (10) feet from the property line, it would be

approximately 60 feet from the edge of Route 199, essentially in the same location as the existing Water Country sign. If the access road were to be a public right-of-way, the existing island would become part of the public right-of-way and the sign would have to be located on the south side of the intersection's right-turn entrance lane (with a 10-foot setback from the right-of-way line). Both locations are close to the edge of the roadway and elevated above the level of the road. Although a 45-foot greenbelt buffer is required along Route 199, signs are permitted within greenbelts as long as their placement does not require disturbance of existing trees, "...except to the extent necessary to open limited sight lines for the signs." In staff's opinion, a sign of the permitted size (64 square feet) would be easily visible from vehicles traveling either direction on Route 199 without necessity of a 1000% increase in sign area and a 400% increase in sign height.

3. In accordance with Sections 24.1-702(b) and 24.1-703 of the Zoning Ordinance, the maximum permitted sign area for building wall signs is the equivalent of 1.5 square feet of sign area for each linear foot of principal building width, not to exceed an aggregate area of 240 square feet per building. The applicant requests an increase in permitted aggregate wall sign area for two proposed retail anchor stores in the complex; 516 square feet of sign area for a proposed Target store (a 215% increase) and 711 square feet of sign area for a proposed JC Penney store (a 296% increase).

To maximize their visibility, retailers generally desire as much sign area as they can get; therefore, it is understandable that the applicant would like to have wall signage on the Target building that is visible from Route 199. According to preliminary site plans and elevations submitted by the applicant, the back of the Target building would be located approximately 150 to 200 feet from and parallel to the edge of Route 199 and would be approximately 30 feet in height. The ground elevation at the base of the building would be approximately 20 feet below the level of Route 199. As previously stated, clearing within the greenbelt buffer along Route 199 would be permitted to establish sight lines for the building signs.

According to the applicant's preliminary site plans, the JC Penney building would be located parallel to and approximately 100 feet from the edge of the proposed main access road serving the center and would be approximately 30 feet in height. The ground elevation of the building would range from even with the roadway elevation to approximately 8 feet below the level of the abutting road. Required plantings within the landscape strip required along the access road could readily be placed so that building signage would be easily viewed from that roadway. The Penney's building would be located approximately 1,200 feet from the Route 199 right-of-way and views to it from Route 199 will be partially obscured by other buildings (e.g., Target and the smaller tenant spaces attached to Target) in the center. As such, wall signage for the Penney's building will serve primarily for identification to those patrons already in the center's circulation / parking system. (It should be noted that the applicant's site plan is preliminary and that minor

adjustments in building locations and configurations are possible in future site plan submittals.)

Both the Target and JC Penney buildings would be located with the principal store facades facing the internal parking and access road for the center. The buildings will be highly visible to anyone entering the center from the access road off Route 199. Given the slow speeds at which vehicles will be traveling on the internal circulation drives and through the parking lot system, massive signage on the internal faces of the buildings should not be necessary, in staff's opinion, to attract or direct customers. If it is, then the same could be said for the buildings/stores in any other major retail center in the County. Staff believes that the allowable 240 square feet of aggregate signage can be effectively distributed on the faces of the proposed buildings to serve the necessary functions. For example, on the Target building a greater proportion of the allowable area could be allocated to the sign on the back of the building facing Route 199 to better ensure legibility from vehicles traveling at higher speeds.

RECOMMENDATION

On December 2, 2003, the Board of Supervisors adopted Zoning Ordinance text amendments (Ordinance No. R03-42(R)) that included a provision to place a 240-square foot area maximum limitation on building wall signage. The amendment was initiated to further County efforts to enhance the appearance of its major road corridors. Section 24.1-712 requires that hardship must be demonstrated relative to topography, vegetation, parcel shape, or distance from road right-of-way before increases in sign area or height can be approved. As discussed above, the proposed freestanding sign location on an island within 10 feet of the Route 199 right-of-way would allow a 64-square foot sign to be clearly visible from all travel lanes.

It should be noted that the proposed retail center was approved with the understanding that it would be a "lifestyle" center with a strong pedestrian orientation. While the two anchor stores that are the subject of this application are shown on the approved concept plan as freestanding buildings separate from the grouping of buildings that will form the "main street" area, they are still oriented toward the center of the site. As noted above, once patrons enter the development from the Route 199 access road, the buildings themselves will be easily visible and the signage on their faces need not be massive because of the lower vehicle speeds on the internal circulation system and within the parking areas. Staff does not consider the freestanding or building mounted signage allowances provided by the Zoning Ordinance to be inconsistent with this type of development. In fact, the strong pedestrian orientation might even argue for a lesser sign area allowance than that needed for commercial development along a major highway corridor. In staff's opinion, the overall development is the "destination" and that can be appropriately identified by the freestanding signage allowances, just as Water Country is. Once within the "destination" the normal building sign allowances appear adequate to staff, especially given the intended pedestrian orientation.

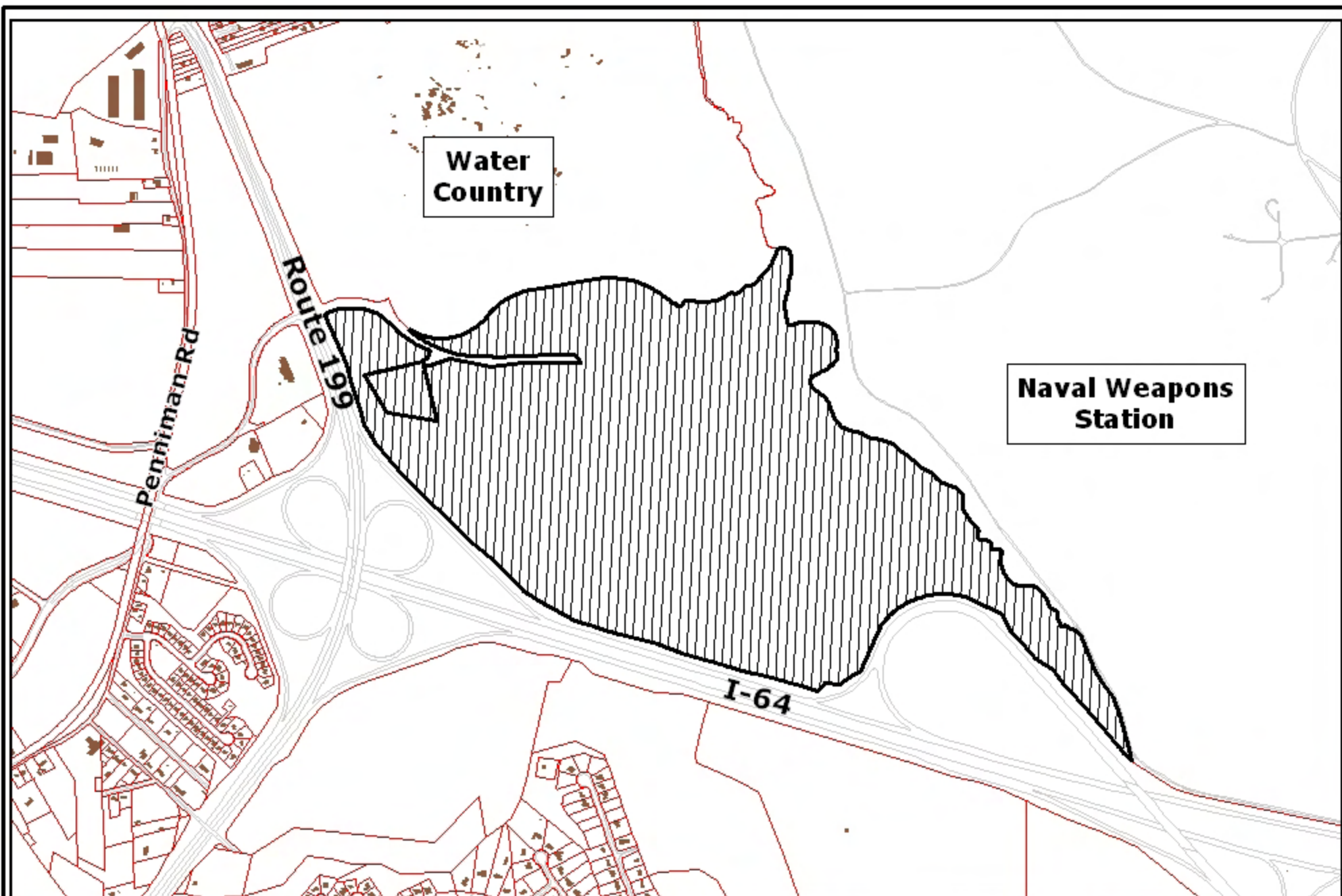
Therefore, in staff's opinion, specified hardships justifying increases in freestanding and wall signage do not exist. For these reasons, staff recommends denial of the Special Use Permit request. This can be achieved through the denial of proposed resolution No. PC06-10.

However, should the Commission wish to recommend approval in some fashion, staff has proposed approval conditions in the Resolution for consideration. Please note that these proposed conditions would limit the freestanding sign area allowance to 150 square feet, which is the size that would be permitted if this were a "shopping center" as defined by the Zoning Ordinance. Furthermore, with respect to building signage, staff suggests that if the Commission is inclined to grant the applicant additional sign area, it be limited to the Target building since that is the only one of the two that has any external orientation. Staff suggests that the additional allowance be limited to 100 square feet – i.e., basically allowing some deviation from the usual standards to accommodate larger signage on the outward facing wall(s). Again, please understand that staff is not recommending this approach but merely suggesting it as an alternative should there be a desire to grant the applicant additional sign area. To grant any increase in sign area in the absence of any demonstrated hardship, as the Zoning Ordinance requires, could set a precedent inviting other retailers to request additional signage simply out of a desire for greater visibility.

Attachments:

- Vicinity map
- Applicant's narrative
- Applicant's sign plan
- Resolution R05-201(R)
- UP-686-05 sketch plan
- Proposed Resolution No. PC06-10

AMP



**Water
Country**

**Naval Weapons
Station**

Route 199
Penniman Rd

I-64



YORK COUNTY VIRGINIA
PLANNING INFORMATION SYSTEM
1214-001 or Computer-Aided Design
by the County of York, Virginia
WWW.YORKCOUNTY.GOV

Image Copyright 2005, VARGIS, LLC,
Hemden, VA. All Rights Reserved.

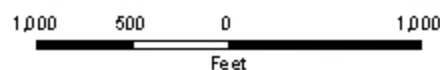
HORIZONTAL ACCURACY: ± 2.5 feet DATUM: VA State Plane South, NAD83
VERTICAL ACCURACY: ± 1 foot DATUM: NVD 1929

This map should NOT be used for engineering or other design purposes without full verification having been undertaken by a qualified surveyor.

The County of York, Virginia assumes no responsibility for the accuracy of this map or the information combined herein or derived here from. The buyer and/or user assumes all risks and liabilities whatsoever resulting from, or arising out of the use of this map.

There are no oral agreements or warranties relating to the sale and/or use of this map.

UP-700-06 Premier Properties USA, Inc. Increase in Sign Area and Height



THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes. It is not
suitable for detailed site planning.

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MAR 24 2006

PREMIER
PROPERTIES

YORK COUNTY
PLANNING DIVISION

Narrative to Special Use Signage Permit

The following information is in support of three (3) special use permit requests as outlined in our 2/28/06 application.

Special Use Permit for Entrance Pylon Signage

Existing Ordinances:

Article VII, Section 24.1-702(c) allows...

The height of signs shall be the vertical distance measured from the average finished grade ground elevation ten feet (10') from where the sign is located to the highest part of the sign...

Article VII, Section 24.1-703 (EO district) allows...

Maximum Free-standing sign area of 64 sq. ft.

PPUSA respectfully requests your authorization for a special use permit regarding our entrance pylon sign given the following:

- **Overall size of development-** The total lineal footage of our center along State Route 199 is in excess of three thousand, three hundred feet (3,300) and the site has a gross area of approximately 240 acres. The allowable sign area and height may allow the appropriate signage for a smaller parcel meant for fewer tenants but the ability to market what our site will provide requires the requested increase in size and area.
- **Shared signage for The Marquis parcel and Target parcel-** The Target site and The Marquis site are owned by two separate entities entitling them to their own individual signs along 199. However we are proposing a shared sign reducing the number of signs located along 199 but requesting an increase in area and height due to this quantity reduction.
- **240 acres used as one site decreases sign clutter-** Sign clutter is actually being reducing by developing the entire site and requiring that Tenants within the site use shared signage. While accommodating this requirement leads us to request an increase in the typical height and area of signage the overall amount of signage will be less than if this site was subdivided into several parcels allowing each Tenant to have their own sign.
- **Obstruction of views -** Site lines into our center are blocked by a line of trees over 20 feet in height. The signage at the entrance of our project is the only way for people traveling along 199 to understand the sites use as a shopping center. Without proper identification for the sites function we could put hardships on our Tenants to operate.
- **Parcels shape and major Tenant setbacks-** The shape and entrance points to the site require a majority of the Tenants to be set back. 199 is the only public road giving access to the site and becomes the only opportunity to let people know what Major Tenants exist beyond. Without this requested identification signage there is no way to draw patrons back to their location or even alert patrons to their existence.
- **Architectural features of the sign tie it into development-** The overall signage is increased in size partly due to the incorporation of architectural features. These features are an important part of the sign as it makes it more aesthetically pleasing than your

typical multi Tenant pole sign as well as aids in making the overall development cohesive. While elimination of these architectural features would reduce the sign area that would be to the aesthetic detriment of the sign and the overall project.

Premier Properties USA, Inc. (PPUSA) proposes the pylon entrance sign to be approximately sixteen feet six inches (16'6") wide and forty feet (37') tall with a sign area of 557 sq.ft (224 sq. ft. with out the incorporation of architectural features). Conceptual renderings, elevations and site plans for the proposed entrance signage are enclosed and labeled:

- ❖ Site Plan for Entrance Pylon Sign (Pages 1 and 2)
- ❖ Pylon Sign Plan and Elevations (Page 3)

Special Use Permit for Target Building Wall Signage Area

Existing Ordinance:

Article VII, Section 24.1-702(b) allows...

The maximum allowable accumulative area permitted on any parcel shall be calculated with respect to the principle street frontages of the parcel to which the parcel has direct access...the maximum allowable accumulative area shall be based on the width of the face of the principal building parallel or nearly so to the street frontage...all permanent signs shall be counted in the calculation of maximum accumulative sign area...the aggregate wall sign area for a building be allowed to exceed 200 square feet.

PPUSA respectfully requests your authorization for a special use permit regarding an increase in the allowable wall signage for Target given the following:

- **Targets primary entrance and views from 199 are on different elevations-** Targets location on the site has the primary view of their building from 199 as the back of their building. They are taking great strides to keep the back façade as architecturally aesthetic as the other facades and signage is one piece of that. The park fields and entrance points for Target are on other Facades leading us to request a special use permit for wall signage on multiple facades leading to an increase in area.

Premier Properties USA, Inc. (PPUSA) proposes the Target wall signage to be approximately 516 sq. ft. Conceptual elevations for the proposed Target signage are enclosed and labeled:

- ❖ Target Signage (Pages 4 and 5)

Special Use Permit for JC Penney Building Wall Signage Area

Existing Ordinance:

Article VII, Section 24.1-702(b) allows...

The maximum allowable accumulative area permitted on any parcel shall be calculated with respect to the principle

street frontages of the parcel to which the parcel has direct access...the maximum allowable accumulative area shall be based on the width of the width of the face of the principal building parallel or nearly so to the street frontage...all permanent signs shall be counted in the calculation of maximum accumulative sign area...the aggregate wall sign area for a building be allowed to exceed 200 square feet.

PPUSA respectfully requests your authorization for a special use permit regarding an increase in the allowable wall signage for JC Penney given the following:

- **JC Penney's building has exposure to all 4 building facades-** JC Penney is taking great strides to keep all façades architecturally aesthetic and signage is one piece of that leading us to request a special use permit for wall signage on multiple facades leading to an increase in area.

The JC Penney wall signage purposes 2 signs to be approximately thirty-four feet, eleven inches (34'-11") long and six feet (6') tall and 2 signs to be approximately twenty nine feet, 1 inch (29'-1") long and five feet (5') tall for a total sign area of seven hundred and eleven square feet (711 sq. ft.). Elevations and sign dimensions for the proposed JC Penney signage are enclosed and labeled:

❖ Elevations for JC Penney Signage (Page 6)

We appreciate your attention in reviewing these requests.

P R E M I E R
P R O P E R T I E S



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MAR 28 2006

Planning Division

Site Acreage: 240 acres

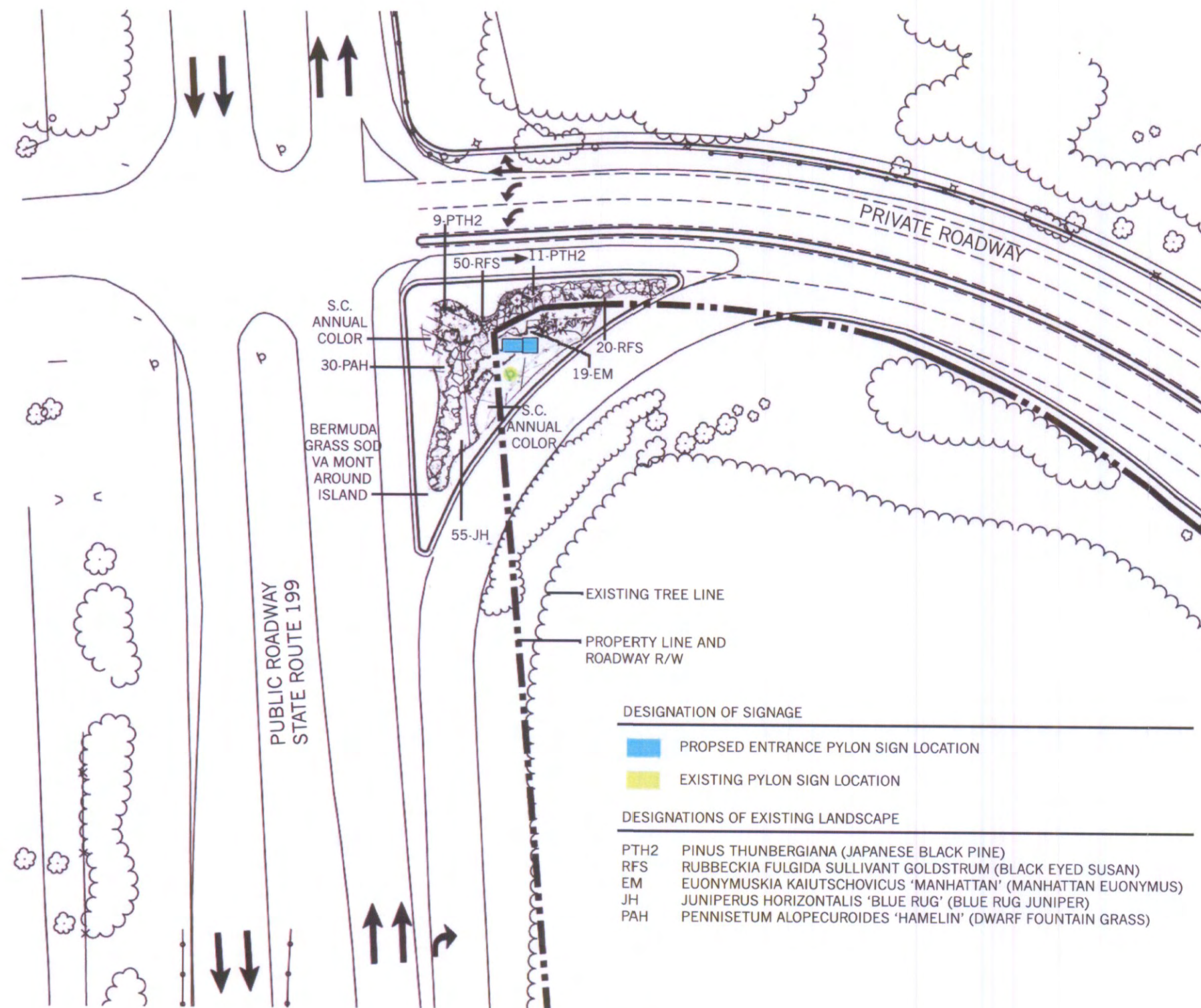
State route 199 frontage
for phase 1 development:

3,303 feet



LEGEND

● MAIN PYLON SIGN



ENLARGED SITE ENTRANCE PLAN



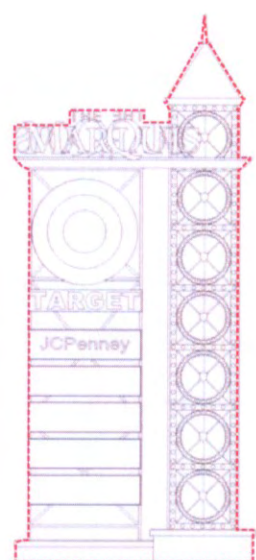
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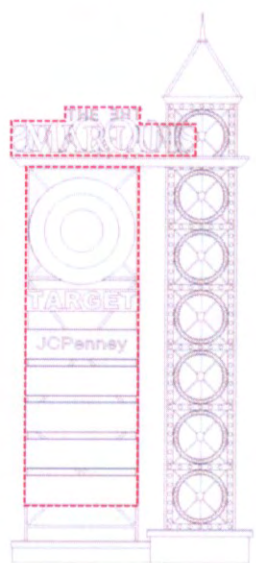
YORK COUNTY
PLANNING DIVISION



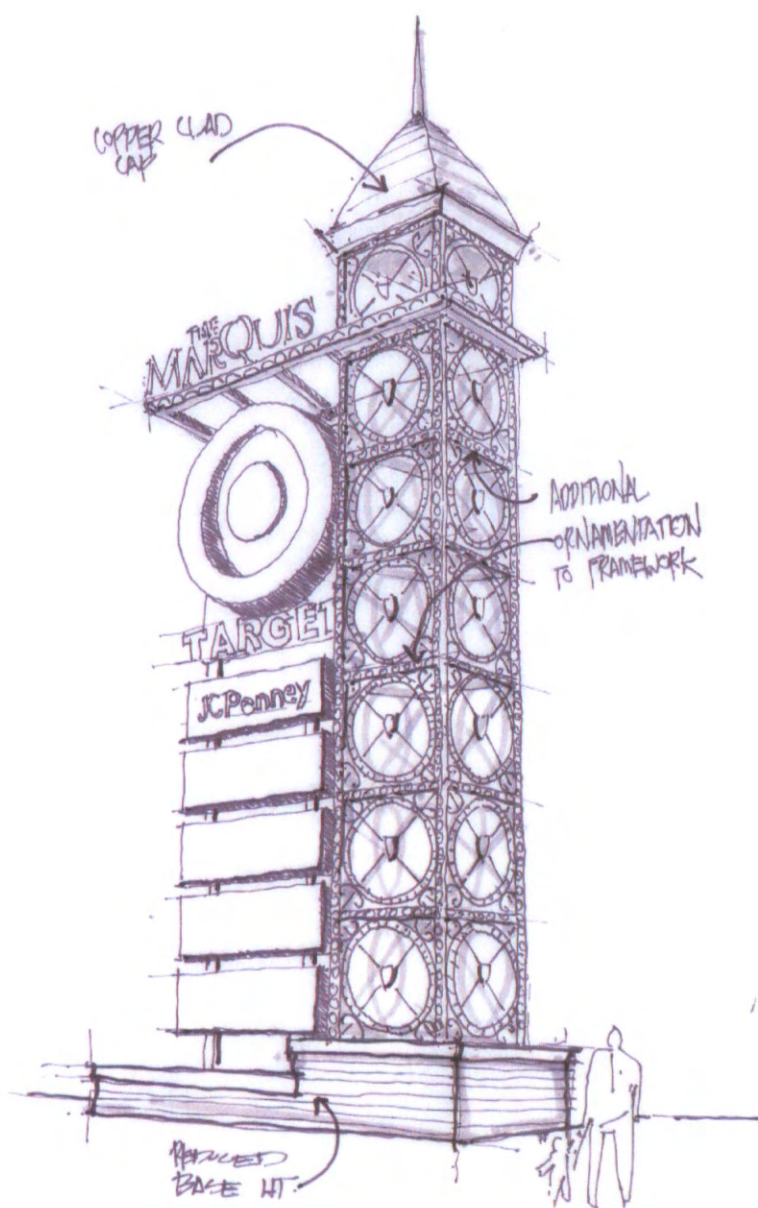
Main Pylon Sign Location



557 SQ. FT.



224 SQ. FT.



3

MAIN PYLON SIGN - SQUARE FOOTAGE

NO SCALE

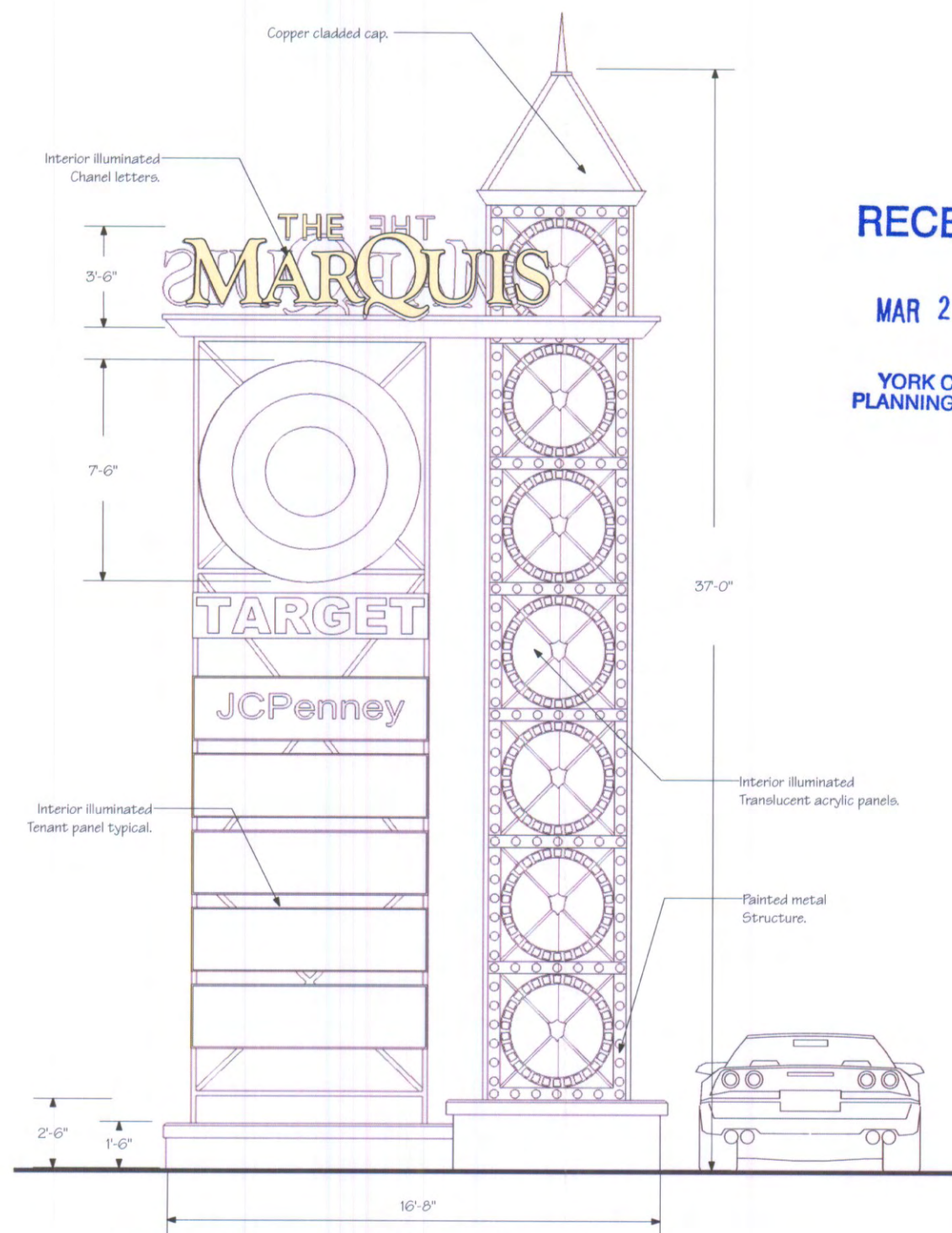
2

MAIN PYLON SIGN - SKETCH

NO SCALE

MARQUIS

CONCEPTUAL LOGO STUDY



1

MAIN PYLON SIGN - ELEVATION

SCALE: 3/16" = 1' - 0"

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YORK COUNTY
PLANNING DIVISION



03.22
2006

THE
MARQUIS
Williamsburg, VA

Signage
Special Use
Permit

JPRA ARCHITECTS
248.737.0180 www.jptra.com

Main Pylon Sign



FRONT ELEVATION LOGO AND LETTERSET	181 SF
FRONT ELEVATION PHARMACY LETTERSET	35 SF
RIGHT ELEVATION LOGO	100 SF
REAR ELEVATION LOGO	100 SF
LEFT ELEVATION LOGO	100 SF
TOTAL WALL SIGN AREA	516 SF

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2'-0" 17'-6"

PHARMACY

LETTERSET (35 SQ. FT.)

FRONT ELEVATION

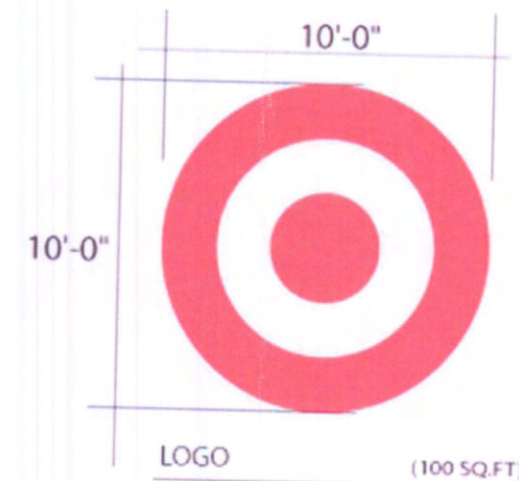


FRONT ELEVATION



LOGO & LETTERSET (181 SQ. FT.)

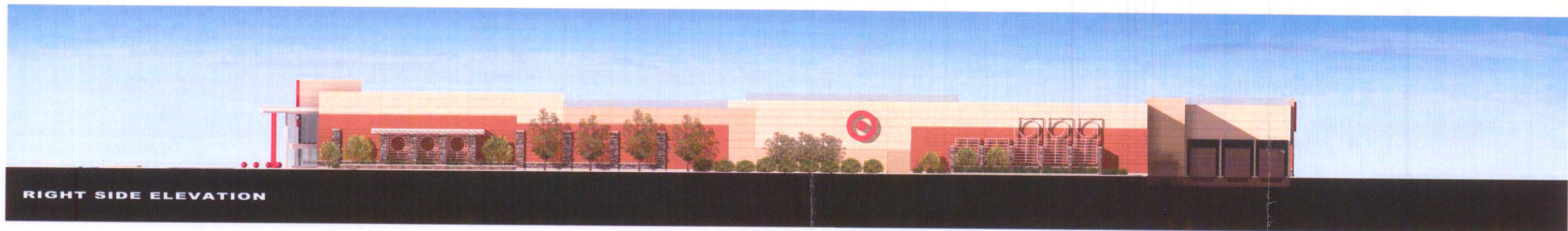
FRONT ELEVATION



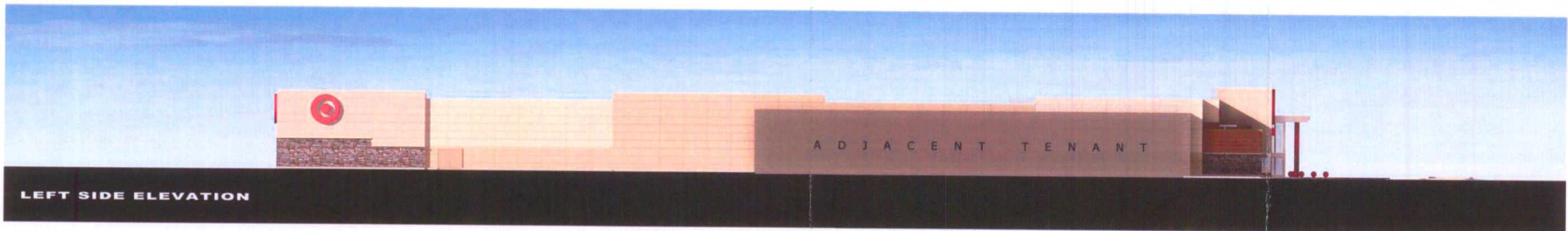
LOGO (100 SQ. FT.)

3 REQUIRED

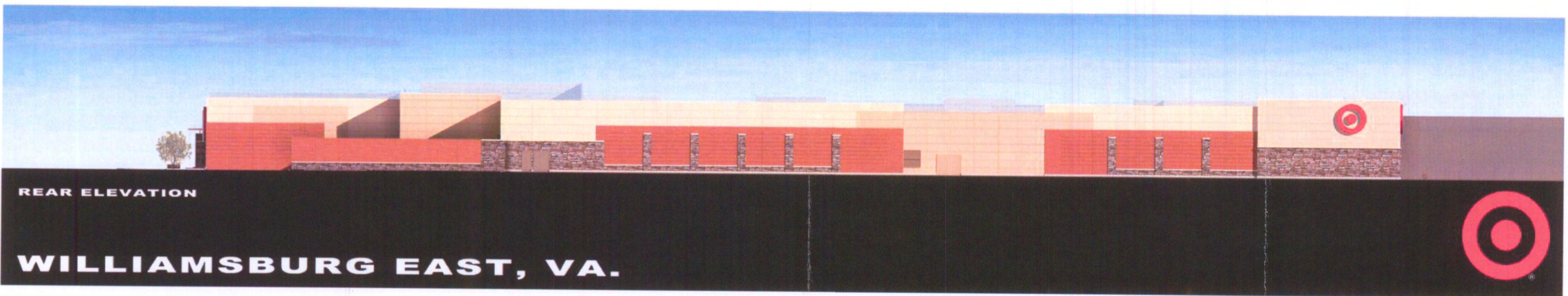
- RIGHT, LEFT & REAR ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

WILLIAMSBURG EAST, VA.

Target Store Planning & Design, Architecture & Engineering

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JPR ARCHITECTS
248.737.0180 www.jpra.com

JCPenney Signage Elevations

PREMIER
PROPERTY

03.25
2006

THE MARQUIS

Signage
Special
Permits

PREMIER
PROPERTIES

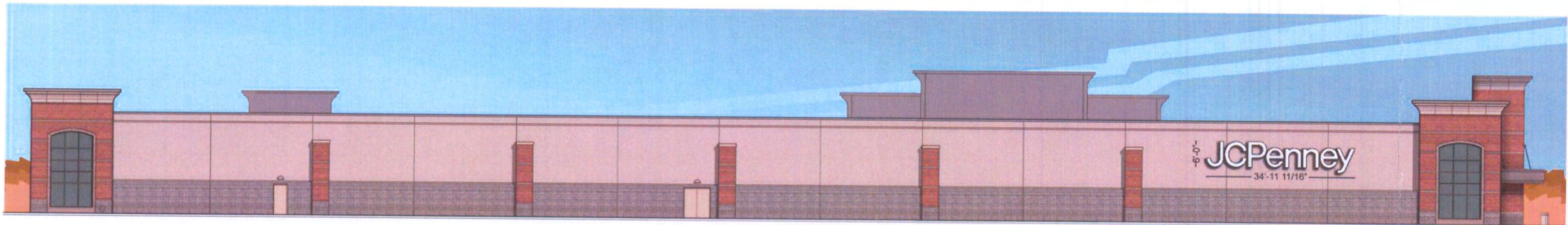
NUDELL ARCHITECTS



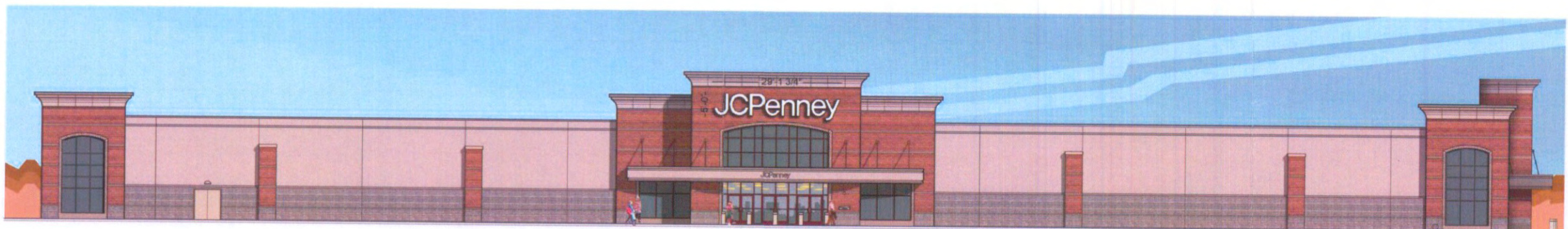
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

East Elevation	209.8 SF
South Elevation	145.7 SF
North Elevation	209.8 SF
West Elevation	145.7 SF
Total Wall Sign Area 711 SF	

JCPenney

STORE #P267 - The Marquis - Williamsburg, VA
JHN# 2006-014

February 10, 2006



BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA



Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 20th day of December, 2005:

Present

Vote

James S. Burgett, Chairman	Yea
Walter C. Zaremba, Vice-Chairman	Yea
Sheila S. Noll	Yea
Kenneth L. Bowman	Yea
Thomas G. Shepperd, Jr.	Yea

On motion of Mrs. Noll, which carried 5.0, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A RETAIL CENTER OF MORE THAN 80,000 SQUARE FEET OF FLOOR AREA ON PROPERTY LOCATED AT 165 AND 175 WATER COUNTRY PARKWAY

WHEREAS, Premier Properties USA, Inc., has submitted Application No. UP-686-05, which requests a special use permit, pursuant to Section 24.1-466(g) of the York County Zoning Ordinance, to authorize a retail center of more than 80,000 square feet of gross floor area on property located at 165 Water Country Parkway (Route 640) and a portion of 175 Water Country Parkway, and further identified as Assessor's Parcel Nos.11-91 and a portion of 11-4-3; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of December, 2005, that Application No. UP-686-05 be, and it is hereby, approved to authorize a retail center of more than 80,000 square feet of gross floor area on property located at 165 Water Country Parkway (Route 640) and a portion

2005 MAR -9 11:42

of 175 Water Country Parkway, and further identified as Assessor's Parcel Nos.11-91 and a portion of 11-4-3, subject to the following conditions:

1. This use permit shall authorize a retail center of more than 80,000 square feet of gross floor area located at 165 Water Country Parkway (Route 640) and a portion of 175 Water Country Parkway and further identified as Assessor's Parcel Nos.11-91 and a portion of 11-4-3. This use permit shall be applicable only to that area identified as "Phase I" on Sheet C2.0 of the plans referenced in Condition #2 below.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan shall be in substantial conformance with the plans titled "The Marquis, York County, Virginia," S.U.P. Re-submittal, Sheets C.01, C1.1, C1.2, C1.3, C3.1 and C3.2, prepared by Landform, dated September 30, 2005 and received by the Planning Division October 3, 2005, and Sheets 2.0, 2.1 and 2.2, received on October 10, 2005, and "Typical Main Street Cross Section, the Marquis," prepared by JPRA Architects, dated September 30, 2005, and received by the Planning Division on October 3, 2005. Building elevations shall be in general conformance with the renderings and photographs titled "Design Review Committee References", dated December 20, 2005, and made a part of this approval by reference. All building construction shall be subject to the design review and approval process set forth herein. For the purposes of this Special Use Permit authorization, the maximum total amount of floor area in the subject phase of the project shall be 800,000 square feet.
3. Prior to site plan approval, the applicant shall secure any permits or approvals required under Chapter 23.2, Chesapeake Bay Preservation Areas, of the County Code, and any permits or approvals required from the Army Corps of Engineers for development impacting wetlands.
4. All signage on the property shall be in conformance with Article VII of the Zoning Ordinance. Freestanding identification signage for the overall project shall be limited to a single monument sign for each individual public street frontage bordering the property (Interstate 64, including the exit ramp; Route 199; Water Country Parkway, extended) and shall be in substantial conformance with the monument sign elevation titled "Freestanding/Monument, The Marquis," Sheet 3, prepared by JPRA Architects, dated September 30, 2005, and received by the Planning Division on October 3, 2005. Freestanding identification signs for any separate outparcels shall be permitted in accordance with the terms of Article VII. Internal freestanding directional signage shall conform to Zoning Ordinance Section 24.1-707(r).
5. Pedestrian access and parking lot landscape dividers shall be located as depicted on the plan sheet labeled "Staff amendments," Sheet C2.2 and dated October 10,

2005, a copy of which is included in this resolution by reference. The ultimate site design shall also include any additional pedestrian ways and/or landscape dividers as may be deemed required in the course of final site plan review. The pedestrian access way labeled "major pedestrian access way" shall be designed as a minimum 15-foot wide landscape island containing a minimum 5-foot wide sidewalk adjacent to a minimum 10-foot wide landscaped area. All other delineated pedestrian access ways shall be designed as minimum 10-foot wide islands containing minimum 4-foot wide sidewalks adjacent to minimum 6-foot wide landscaped areas.

6. Prior to application for site plan approval, a design review committee, formed and governed by the document entitled "Design Review Committee Structure" dated November 2, 2005, and made a part of this resolution by reference, shall be established for the review and approval of proposed building and signage plans. Site and building plans shall conform to the Design Guidelines section of this document and such other standards as are established herein.
7. Access to the proposed development shall be as generally depicted on the conceptual plans referenced in Condition #2 above, and including any modifications as required by the Virginia Department of Transportation (VDOT). Such access arrangements from Route 199 and the proposed connections with the Grove Interchange ramp system of Interstate 64 shall be subject to review and approval by the Virginia Department of Transportation and by the Federal Highway Administration (FHWA) in accordance with such procedures and requirements as those agencies determine appropriate. The adequacy of the proposed traffic network shall be documented and analyzed in a Traffic Impact Study prepared in accordance with all applicable standards for such studies and approved by VDOT and FHWA where applicable as required by statute. The Traffic Impact Study shall document the improvements necessary to serve the needs of the proposed development and to yield a minimum Level of Service of C. Where the existing conditions provide a current Level of Service of less than C, the improvements shall be designed to at least maintain the current volume to capacity ratio without further degradation through the design year, plus two years. The improvements necessary to accommodate the traffic impacts of the proposed development shall be the responsibility of the applicant. In the event transportation system improvements cannot be designed to accommodate the proposed amount of retail development and achieve the LOS standard, then the size (floor area) of the proposed commercial space shall be reduced accordingly from that depicted on the Concept Plan.

The alignment and design of the proposed main access road, which is depicted on the Concept Plan as a "New State Road," shall be approved by the Virginia Department of Transportation and, in the event of a connection to the Interstate 64 ramp system, the Federal Highway Administration. The road shall be designed as a limited access facility with no breaks on its north side other than a possible service/employee access connection to Water Country USA, and a possible pull-off/parking area to provide access to any interpretive area established in conjunction with the historic/archaeological resources to be preserved, both subject to VDOT's review and approval. Access breaks (entrances into the proposed devel-

opment) on the south side shall be as generally depicted on the referenced concept plans, shall not exceed a total of five (5) for this phase of the project, and shall be subject to review and approval by VDOT as to such design, geometrics and traffic control/signalization standards as it deems appropriate.

In the event the connection to the Interstate 64 ramp system is not approved by VDOT and/or the Federal Highway Administration, or is still under review at the time the applicant wishes to commence detailed design and engineering work for the Phase I development, the applicant shall be responsible for demonstrating the adequacy of the Route 199 access point to serve as the sole access to the proposed Phase I development. Such documentation shall be provided through the submission and approval, by VDOT, of a traffic impact analysis (which may be a subsection of the overall project Traffic Impact Study referenced above). In addition, the applicant shall be responsible for securing a commitment from VDOT that the Phase I main access road will be eligible, upon completion, for acceptance by the Virginia Department of Transportation. In the event the Phase I main access road will not be eligible for acceptance by VDOT, it shall be considered a private road/commercial access and all future maintenance responsibility shall rest with the applicant/developer.

The referenced Traffic Impact Studies shall accompany the first site plan submission for the proposed development. Site Plan approval shall be contingent upon approval of the Traffic Impact Study by VDOT and, as necessary, the Federal Highway Administration. No Land Disturbing Activity Permits shall be issued for the proposed development unless the Traffic Impact Study and roadway design has been approved. In the event the authorized project is to be constructed in phases and will involve multiple site plan submissions, the initially submitted traffic study may include recommendations for a phased approach to constructing the transportation infrastructure.

8. Except as noted herein, preservation of historic resources on the property shall be fulfilled in accordance with the applicant's historical resources summary received by the Planning Division on October 3, 2005, which is included in this resolution by reference.

Prior to any clearing or grading activities in the area of historical resources site Nos. 394, 396, or 1026 as identified in the report "Phase II Archaeological Significance Evaluation of Sites 44YO0394, 44YO0395, 44YO0396, and 44YO1026 at the Whittaker's Mill Tract in York County, Virginia," prepared by James River Institute for Archaeology, Inc., dated August 2005 and received by the Planning Division on September 1, 2005, and as noted as "area to undergo Phase III investigation" on Sheet C1.2 referenced in condition # 2 above, a Phase III archaeology study shall be conducted in accordance with Virginia Department of Historical Resources (VDHR) guidelines. This shall include full recovery, documentation and archiving of all found historical artifacts on the site. Artifacts shall be archived at an antiquities repository facility constructed in accordance with applicable VDHR curation guidelines (36CFR, part 79), and shall be available to the pub-

lic for educational and research purposes. In coordination with the County and VDHR, the applicant shall initiate application to the VDHR for nomination of preserved eligible sites to the National Register of Historic Places.

There shall be no disturbance of the gun emplacement/redoubt located within site No. 394 as identified in the above-referenced Phase II archaeological report, and a 50-foot undisturbed buffer shall be maintained surrounding the feature. Said buffer shall be delineated on approved site and grading plans, and shall be clearly demarcated on-site prior to clearing or grading activities in its vicinity. The Zoning Administrator may approve a decrease in the buffer provided engineered site plans and further field testing adequately demonstrate that the feature will be completely protected from grading, soil erosion, or other land disturbing activities. The Zoning Administrator shall consult with VDHR as to the adequacy of the plans and field testing procedures. In no case shall the buffer be decreased to less than 20 feet.

Prior to any land disturbing activities on the site, an easement shall be established for the perpetual preservation of historical sites over the area so referenced on plan Sheet C1.2. The easement area shall also include the undisturbed buffer associated with the gun emplacement/redoubt area referenced above. Said easement shall be granted to the County or other public or non-profit organization dedicated to the discipline of historic preservation and associated public education, and shall contain provisions for the maintenance and protection of historic sites and interpretive facilities as referenced herein.

No later than at time of completion of the proposed state road within the Phase I portion of the subject site, the applicant shall be responsible for the construction of a wayside vehicular pull-off area in the area of site Nos. 394/395, as identified in the above-referenced Phase II archaeological report. Such pull-off shall be subject to the approval of VDOT and shall include a parking area, pedestrian path, and interpretive signage for the purpose of displaying interpretive/educational information including, but not limited to, photographs and text describing the artifacts and the associated history of the site. The applicant shall also be responsible for development and installation of relevant interpretive/educational signage to be placed on or near the buildings to be built over site No. 396. The County, in coordination and cooperation with VDOT and VDHR shall approve the proposed number, size, location, design, and materials of the signs, parking area, and pedestrian path.

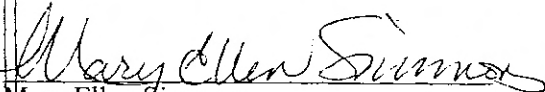
9. Free standing and building lighting shall be full cut-off fixtures that are shielded and directed downward and level to the ground to prevent off-site illumination. The maximum height for on-site light fixture poles shall be as follows:

Pedestrian Walks and Plazas:	18 feet
Internal Streets and Drives:	25 feet
Parking Areas:	30 feet

Freestanding signage shall be internally lit, except where exterior lighting is directed downward and fully shielded. Illumination levels shall not exceed 0.5-foot candle at any exterior property line. Neon lighting exposed or contained within non-opaque fixtures shall not be permitted for signage or for building or other structure accents. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). Acceptable light sources shall include incandescent and metal halide lamps, and should produce a color temperature close to daylight. Other sources may be approved by the Design Review Committee; however, mercury vapor sources are not permitted.

0. A 45-foot wide undisturbed landscape buffer shall be maintained abutting the western border of the property adjacent to the Route 199 and I-64 rights-of-way, including the interstate exit ramp.
1. Outdoor storage of retail goods or other materials shall not be permitted.
2. Rooftop HVAC, electrical and similar utilities shall be screened from view of any street right-of-way, circulation drive, parking area or pedestrian way.
3. Calculation of minimum required parking spaces shall be exclusive of spaces utilized for cart storage uses. Parking areas that are located along public right-of-way frontages shall be appropriately screened/buffered from view using fencing, walls (maximum 42 inches in height), or hedges.
4. In accordance with the provisions of Section 24.1-115(d) of the Zoning Ordinance, significant modifications to this approval as determined by the Zoning Administrator shall require that a new use permit application be submitted for review. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.
5. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded prior to application for site plan approval at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

A Copy Teste:



Mary Ellen Simmons
Deputy Clerk

Virginia: County of York to-wit
In the Clerk's Office of the York County - Poquoson
Circuit Court, the 9th day of Mar, 2006
This deed was presented with the certificate annexed
and admitted to record at 11:42 o'clock AM
Teste: Lynn S. Jenkins, Clerk
by Rachel Riedrich B.C.

GENERAL NOTES

1. BACKGROUND INFORMATION TAKEN FROM BOUNDARY AND TOPOGRAPHY SURVEY PERFORMED BY LANDMARK DESIGN GROUP, WILLIAMSBURG, VIRGINIA, EXPRESSLY FOR THIS PROJECT. ADDITIONAL UTILITY INFORMATION SHOWN WAS PROVIDED BY YORK COUNTY AS-BUILT DRAWINGS AS WELL AS INFORMATION PROVIDED BY INDIVIDUAL UTILITY COMPANIES. LANDFORM OFFERS NO WARRANTIES, EITHER EXPRESSED OR WRITTEN, AS TO THE ACCURACY OR INFORMATION PROVIDED BY OTHERS. ANY AND ALL FIELD CONDITIONS AND UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO EXCAVATION/CONSTRUCTION. IF ANY DISCREPANCIES ARE NOTED, THE ENGINEER SHOULD BE IMMEDIATELY NOTIFIED FOR RESOLUTION.

SKETCH PLAN NOTES

1. REQUIRED LANDSCAPE YARDS AND PERIMETER LANDSCAPE AREA REQUIREMENTS WILL BE OBSERVED PER 24.1-481 STANDARDS FOR SHOPPING CENTERS.
2. IT IS THE INTENT OF THE OWNERS TO PROVIDE PARKING AT OR NEAR THE ZONING ORDINANCE THRESHOLD. FINAL PLANS PREPARED FOR SITE PLAN SUBMITTAL WILL PROVIDE EXACT CALCULATIONS. ANY EXCESS WILL BE MITIGATED THROUGH THE LANDSCAPE CREDIT SYSTEM.
3. SITE LIGHTING TO BE PROVIDED PER ZONING STANDARDS.
A) 25' MAX POLE HEIGHT
B) SHIELDED DOWN LIGHTS
C) ILLUMINATION LEVELS TO BE LIMITED TO 0.5 FC AT PROPERTY LINES.

LEGEND

- DENOTES PEDESTRIAN ACCESS
DENOTES GREENSPACE

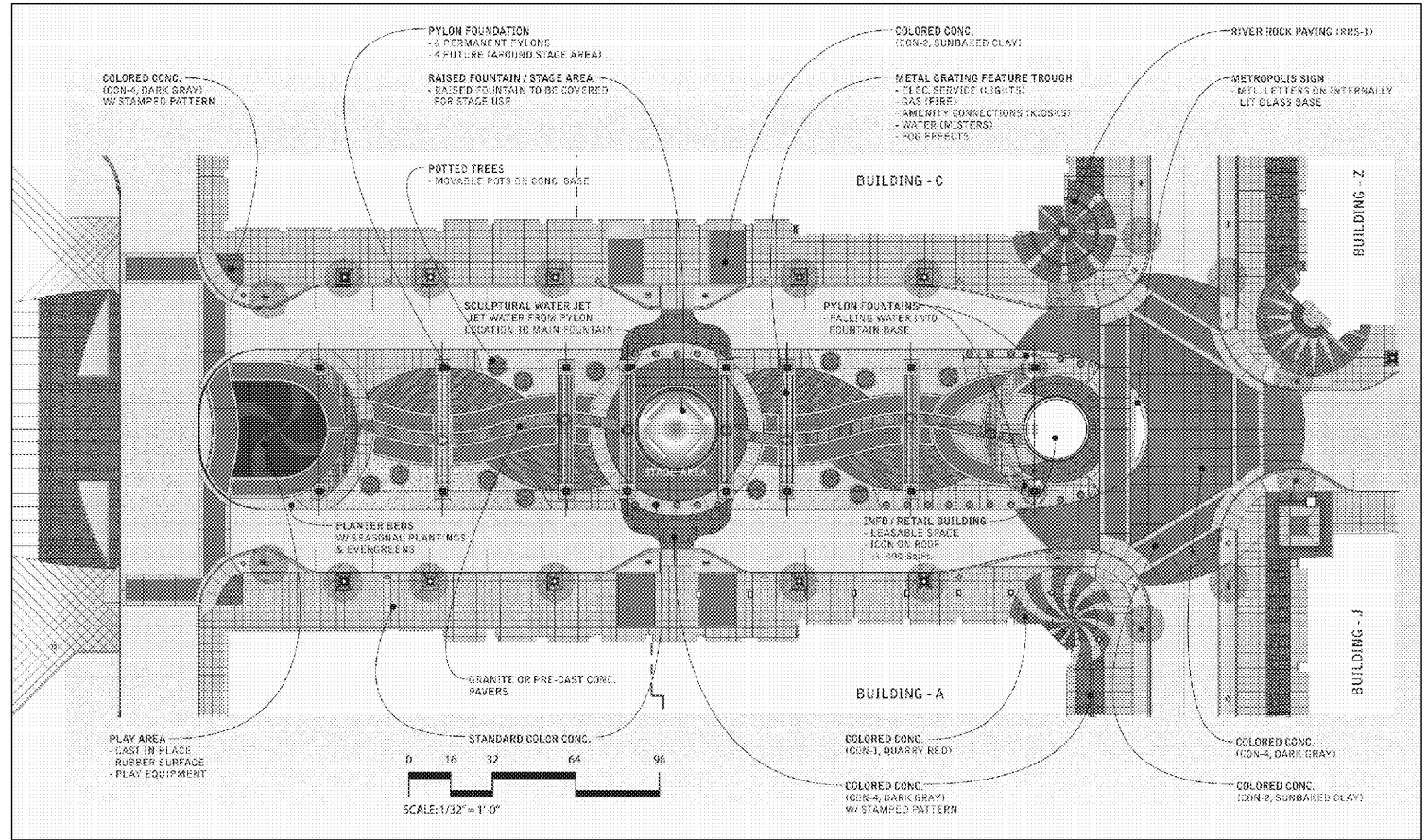
AREA SUMMARY

Area	Area - SF	Area - Ac	% of Area	% of Total Parcel
SUP Limits	6,222,855	142.98	100.00%	60.00%
Phase 1 Developable Area				
Building Area	730,482	16.8	19.7%	7.1%
Impervious Area	1,668,723	38.3	45.1%	16.1%
Green Space	1,302,602	29.9	35.2%	12.6%
Total	3,701,807	85.0	100.0%	35.7%
Future Phase Developable Area				
Building Area	Not computed	Not computed		
Impervious Area	Not computed	Not computed		
Green Space	Not computed	Not computed		
Total	2,582,840	59.29	100.00%	24.9%
Proposed State Road Right-of-Way	740,087	16.99	100.00%	7.1%
Preserved Open Space	3,307,975	75.94	100.00%	31.9%
TOTAL PARCEL	10,360,608	237.85	100.00%	100.0%

PARKING SUMMARY

Area	Building Area - SF	Stalls	Ratio (stalls/1,000sf)
Parking Area 1 - NW Quadrant			
Retail Areas	330,482		
Restaurant Pads	-	1578	4.77
Total	330,482		
Parking Area 2 - Remainder of Phase 1			
Retail Areas	380,000		
Restaurant Pads	20,000		
Total	400,000	1497	3.74

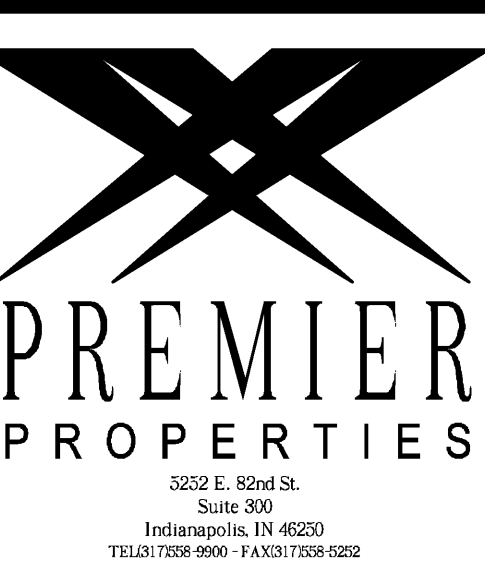
1. PUBLIC PLAZA CONCEPT - PLAN



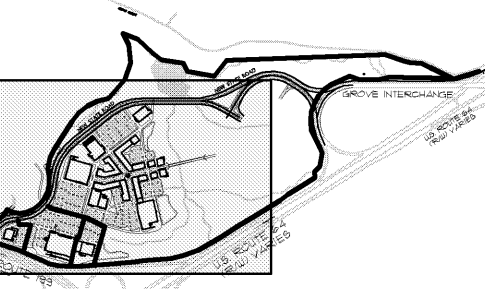
2. PUBLIC PLAZA CONCEPT - ISO



3. MAIN STREET CONCEPT - SECTION



KEY PLAN



CIVIL SHEET INDEX

SHEET	TITLE
C01	CIVIL COVER SHEET
C11	EXISTING CONDITIONS PLAN
C12	HISTORICAL RESOURCES PRESERVATION PLAN
C13	TREE PRESERVATION PLAN
C14	PRELIMINARY PARKING PLAN
C21	PRELIMINARY SKETCH PLAN
C22	PRELIMINARY INTERNAL CIRCULATION PLAN
C23	PRELIMINARY DRAINAGE ANALYSIS
C24	STEEP SLOPES ANALYSIS

REVISION HISTORY

DATE	REVISION	REVIEW
30 SEPT 2009	REVISED S.U.P. SUBMITTAL	DRL

PROJECT MANAGER REVIEW

BY DRL	DATE 9/30/09
--------	--------------

CERTIFICATION

REVISED S.U.P. SUBMITTAL

SEPTEMBER 30, 2005

PROJECT

THE
MARQUIS
YORK COUNTY, VA



510 First Avenue North, Suite 550
Minneapolis, MN 55405-1510
Phone: 612.252.8070
Fax: 612.252.8077
www.landform.net

4547 North 32nd Street,
Park Place Building, Suite 125
Phoenix, AZ 85018
Phone: 602.632.9154
Fax: 602.632.9155

FILE NAME: C201PP02.DWG

PROJECT NO. PPU05002

PRELIMINARY SKETCH PLAN (PHASE I)

C2.1

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PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2006:

Present

Vote

Alfred E. Ptasznik, Jr., Chair
Nicholas F. Barba, Vice Chair
Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE INCREASES IN SIGN AREA AND
HEIGHT FOR A PREVIOUSLY APPROVED RETAIL CENTER OF
GREATER THAN 80,000 SQUARE FEET OF FLOOR AREA ON
PROPERTY LOCATED AT 165 AND 175 WATER COUNTRY
PARKWAY

WHEREAS, Premier Properties USA, Inc. has submitted Application No. UP-700-06 to request a Special Use Permit, pursuant to Section 24.1-712 of the York County Zoning Ordinance, to authorize increases in sign area and height for a previously approved retail center of more than 80,000 square feet of floor area on property located at 165 Water Country Parkway (Route 640) and a portion of 175 Water Country Parkway, and further identified as Assessor's Parcel Nos. 11-91 (GPIN No. H13b-3795-3227) and a portion of 11-4-3 (GPIN No. I13c-0012-1173); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2006, that Application No. UP-700-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-712 of the York County Zoning Ordinance, to authorize increases in sign area and height for a previously approved retail center of more than 80,000 square feet of floor area on property located at 165 Water Country Parkway (Route 640) and a portion of 175 Water Country Parkway, and further identified as Assessor's Parcel Nos.11-91 (GPIN No. H13b-3795-3227) and a portion of 11-4-3 (GPIN No. I13c-0012-1173) subject to the following conditions:

1. This use permit shall authorize increases in sign area and height for a previously approved retail center of more than 80,000 square feet of floor area located at 165 Water Country Parkway (Route 640) and a portion of 175 Water Country Parkway, and further identified as Assessor's Parcel Nos.11-91 and a portion of 11-4-3. The authorized signage allowances shall be as follows:
 - a) For the proposed freestanding sign located at the Route 199 entrance:
Maximum area – 150 square feet; Maximum height – 15 feet.
 - b) For the Target and JC Penney wall signs: Maximum area for Penney's shall not exceed the 240 square foot cumulative building sign area specified by Section 24.1-702(b). Maximum cumulative area for Target shall not exceed 340 square feet.
2. This use permit shall be applicable only to the following signs: (1) freestanding sign located at the entrance to the retail center on Route 199, (2) building wall signage for the Target building and, (3) building wall signage for the JC Penney building as shown on plans titled "The Marquis, Williamsburg, VA, Request for Signage Special Use Permit, cover sheet and sheets numbered 1 – 6, prepared by JPRA Architects, dated 3/22/2006 and received by the Planning Division on March 24, 2006 (sheets 2 – 6) and March 28, 2006 (sheet 1). All other signage for the subject property shall be in conformance with Condition No. 4 of Resolution No. R05-201(R) as adopted by the County Board of Supervisors on December 20, 2005 and filed with the Clerk of Circuit Court on March 9, 2006 (Instrument No. 060005400).
3. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.